

According to learned counsel for the applicant, the applicant was not party in SB Civil Writ Petition No.7064/2003 decided by order dated 4.1.2005. According to the applicant, he is Secretary of Nokhra Johad Paitan Agore Oram Bhoomi Bachao Sangharsh Samiti, Nokhra and said Sangarh Samiti preferred DB Civil Writ Petition No.1826/2001 to protect the land of the public utilities including the catchment and angore lands. In the said writ petition no.1826/2001, the Division Bench of this Court noticed the earlier decision dated 3.9.2003 delivered in DB Civil Writ Petition NO.1209/2003 (Dwarka Das vs. State of Rajasthan) and quashed the allotment order made in respect of Angore land comprised in khasra no.379/1 and directed the respondents to allot alternate site to the allottees. The Division Bench, after noticing the said fact, observed

that certain proceedings are pending before the Board of Revenue with respect to the aforesaid Khasra No.379/1 and directed the State and Colonisation Commissioner to apprise the Board of Revenue of the Division Bench's order dated 3.9.2003 passed in DB Civil Writ Petition No.1209/2003.

According to learned counsel for the applicant, in writ petition no.7064/2003, the petitioner therein admitted the land in question to be Johad Paitan and the land is situated in khasra no.379/1. Therefore, according to learned counsel for the applicant, in view of the aforesaid admission, the petitioner cannot say that the land in question is not land of Johad Paitan, therefore, the order of this Court dated 4.1.2005 allowing the writ petition no.7064/2003 may be recalled or in the alternative, according to learned counsel for the applicant, the position may be clarified.

I have considered the submissions of learned counsel for the applicant and perused the facts of the case.

It will be worthwhile to mention here that by the impugned order dated 4.1.2005, this Court has not decided the issue whether the land in question is Johad Paitan or not or is available for allotment or regularisation or not. This Court merely on the basis of statement of learned counsel for the petitioner that the land in question is not falling in the catchment area nor is angore land nor it is falling in Johad Paitan, directed the authorities to decide

this question whether the land in question is falling or not in the prohibited zone for allotment. Since this Court had not decided and directed the authorities to decide the question whether the land is falling in any prohibited category for allotment of the land, therefore, I do not find any reason for recalling the order dated 4.1.2005. However, it is made clear that the authorities shall take into account all the facts relevant for deciding whether the land in question is falling in any area where the land cannot be allotted or regularised and this is the specific direction of this Court. The applicant is not prohibited from pointing out these facts to the concerned authorities which he wants to submit before this Court in a decided writ petition and the authorities may look into all aspects of the matter and also take into account all the orders which may have been passed by the Courts including the orders passed by the Division Bench referred above or any order, if, passed by the Board of Revenue.

Accordingly, the present application is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya